

May 31, 2016

VIA ECF

Hon. Paul Singh Grewal
United States District Court Judge
Courtroom 5, 4th Floor
Northern District of California, San Jose Division
280 South 1st Street
San Jose, CA 95113

Re: *Cisco Systems, Inc. v. Arista Networks, Inc.*; Case No. 14-cv-5344
Request for Clarification of Court's Order Granting-in-Part Motion to Seal (ECF No. 265)

Dear Judge Grewal:

Arista writes to request clarification of the Court's Order Granting-in-Part Motion to Seal (ECF No. 265). In particular, Arista requests clarification regarding Exhibit 18 to the Jenkins Declaration (ECF No. 261-21), which was filed by Cisco in support of its Motion for Protective Order (ECF No. 261). Arista respectfully requests that the Court amend its order to clarify that pages 5 and 12 of ECF No. 261-21 should be sealed along with pages 6-11, which the Court already ordered sealed, because pages 5 and 12 are the beginning and end of the same confidential discussion the Court ordered sealed. Cisco does not object to Arista's request.¹

Cisco's Exhibit 18 is an excerpt of the rough transcript of the deposition of Doug Gourlay, a former Arista employee. Cisco filed an administrative motion to file Exhibit 18 under seal in its entirety on May 24, 2016. ECF No. 261. The Court granted Cisco's request to file Exhibit 18 under seal later that same day, but only with respect to pages 6 through 11 of the filed excerpt, which are internally numbered pages 147-52 of the rough transcript. ECF No. 265.

The Court also ordered pages 5 and 12 of the filed excerpt unsealed.² Arista respectfully requests that the Court amend its order to clarify that those pages should also be sealed. Both Pages 5 and 12 of Exhibit 18 include testimony by a former Arista employee about confidential sales discussions with customers. Page 5 is the beginning of the discussion on pages 6-11 that the Court already decided to seal, and page 12 is the end of that discussion. There is therefore

¹ Arista and Cisco met and conferred over Arista's request for clarification on May 31, 2016. Cisco stated that it does not object to Arista's request.

² The Court also ordered pages 1-4 unsealed. Arista takes no position on whether those pages should be sealed.

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good cause to seal pages 5 and 12, for the same reasons that the Court already sealed pages 6–11.

Arista acknowledges that it did not file a declaration in support of sealing Exhibit 18 within the four-day period prescribed by Civil Local Rule 79-5(e)(1). Arista's omission was wholly inadvertent, and it regrets any inconvenience it may have caused the Court or Cisco. If the Court indicates that it would so prefer, Arista is prepared to file a declaration in support of sealing pages 5 and 12 of Exhibit 18.

Respectfully submitted,

KEKER & VAN NEST LLP

A handwritten signature in black ink, appearing to read 'E. Santacana', with a stylized, flowing script.

Eduardo E. Santacana

cc: All Counsel via ECF